

Appl. No. : 10/757,178
Filed : January 14, 2004

REMARKS

Amendments to the Claims

Applicants respectfully request entry of the Amendments to the Claims set forth above. Claims 1 and 22 have been amended to recite a polydioxaborine having a weight average molecular weight of about 1,000 or greater. This Amendment is supported by the specification at, e.g., paragraph [0012].

New Claim 25 is an independent version of original dependent Claim 11. Applicants note the indication by the Office that Claim 11 would be allowable if re-written in independent form.

Claim Rejections - § 103(a)

Claims 1-10 and 12-18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hendrickx et al. (J. Mater. Chem., 1999, 9, pp. 2251-2258) in view of Halik et al. (U.S. 2003/0234396), Hartmann et al. (U.S. 2004/0065867), Markin et al. (XP009010921) or Depoorter et al. (GB 1,353,905).

Claims 1-10 and 12-24 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Marder et al. (U.S. 6,090,332) in view of Halik et al., Hartmann et al., Markin et al. or Depoorter et al.

The PTO recognizes that the primary references (Hendrickx et al. and Marder et al.) fail to disclose polydioxaborines. See Office Action at 2-3. However, the PTO states that the secondary references (Halik et al., Hartmann et al., Markin et al. and Depoorter et al.) "all disclose sensitizing dyes comprising two dioxaborine groups, so they are polydioxaborines." Office Action at 2. The Office has taken the position that it would have been obvious to one of ordinary skill in the art to incorporate the sensitizing dyes of the secondary references into the materials of the primary references, with a reasonable expectation of success. Office Action at 3.

Applicants disagree with the position taken by the Office because there is no teaching or suggestion to combine the references in the manner indicated by the Office. In addition, Applicants respectfully submit that neither the primary nor the secondary references teach or suggest a polydioxaborine having a weight average molecular weight of about 1,000 or greater as recited in amended Claim 1 or 22. Furthermore, dependent Claims 2-10, 12-21, 23 and 24 each

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recite a combination of limitations that further distinguish the subject matter of those claims from the cited references. Therefore, Applicants respectfully request reconsideration and withdrawal of this rejection.

Allowable Subject Matter

Applicants acknowledge the indication by the Office that Claim 11 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Applicants respectfully point out that Claim 25 is an independent version of original dependent Claim 11. Therefore, Applicants respectfully submit that new Claim 25 is allowable.

Conclusion

In view of the Amendments to the Claims and the Remarks set forth above, Applicants respectfully submit that this application is in condition for allowance, early notification of which would be appreciated. Applicants respectfully invite the Office to contact the undersigned with any questions regarding this application.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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